

submit the \$16.10 partial filing fee as ordered. *See id.* at 3-4; *see also* LCvR 3.4(a). In the R. & R., Judge Mitchell advised Plaintiff of his right to object to the R. & R. by January 27, 2022. Judge Mitchell also advised that a failure to timely object would constitute a waiver of the right to appellate review of the factual findings and legal conclusions contained in the R. & R. *See* R. & R. at 4.

As of this date, Plaintiff has not objected to the R. & R. or sought an extension of time to do so. Nor has Plaintiff submitted his required partial filing fee to the Court or shown cause for his failure to do so.

CONCLUSION

Accordingly, the Report and Recommendation (Doc. No. 20) is ADOPTED.¹ This matter is DISMISSED WITHOUT PREJUDICE. A separate judgment shall be entered.

IT IS SO ORDERED this 3rd day of March, 2022.


CHARLES B. GOODWIN
United States District Judge

¹ Although the R. & R. recommended that the Court allow an additional 21 days for payment, the applicable local rule prescribes that the matter “shall” be dismissed upon the failure of the *in forma pauperis* applicant “to pay the initial partial filing fee . . . by the date specified.” LCvR 3.4(a). Moreover, Plaintiff has had ample opportunity to comply with the payment requirement. The Court therefore modifies the recommended disposition to dismiss this action without further delay.